

ERVIN COHEN & JESSUP LLP

9401 Wilshire Blvd., 12th Floor
Beverly Hills, CA 90212-2974
mlieb@ecjlaw.com
PH: 310.281.6338

April 26, 2024

VIA ECF and E-MAIL

Hon. Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Courtroom 618
New York, N.Y. 10007
E-Mail: Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: **Sanmina Corporation v. Dialight plc: USDC (SDNY) Case no. 1:19-cv-11710**
Dialight plc v. Sanmina Corporation: USDC (SDNY) Case no. 1:19-cv-11712

Dear Judge Failla:

Pursuant to Rule 9 of Your Honor's Individual Rules of Practice in Civil Cases, Sanmina Corporation ("Sanmina") submits this letter in support of its motion for leave to file the following exhibits to the Declaration of Michael C. Lieb in support of the Reply in support of *Motion in Limine* no. 1, under seal:

- Exhibit 6 (DIA00083484-549—Quarterly Business Review Q1 CY 17)
- Exhibit 7 (Dialight Estimated Build Plans)

"It is clear that the courts of this country recognize a general right to inspect and copy public records and documents." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). "It is uncontested, however, that the right to inspect and copy judicial records is not absolute." *Id.* at 598. For example, courts may restrict access to "sources of business information that might harm a litigant's competitive standing." *Id.*

Dialight plc ("Dialight") has designated the first exhibit listed above "Confidential" pursuant to the terms of the Protective Order in effect in this action. Under the terms of the Protective Order (Paragraph 10), documents produced in discovery designated "Confidential" may not be filed in the public record without consent from the designating party. Furthermore, both exhibits contain information that would be of extreme interest to Sanmina's and Dialight's competitors—including financial information.

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For the foregoing reasons, Sanmina respectfully requests leave to file under seal the exhibits listed above.

Respectfully submitted,



Michael C. Lieb
ERVIN COHEN & JESSUP LLP

Application GRANTED. The Clerk of Court is directed to maintain docket entry 219 in Case No. 19 Civ. 11710, and docket entry 188 in Case No. 19 Civ. 11712, under seal, viewable to the Court and the parties only.

The Clerk of Court is further directed to file this Order in both cases cited in the caption.

Finally, the Clerk of Court is further directed to terminate the pending motion at docket entry 216 in Case No. 19 Civ. 11710 and docket entry 185 in Case No. 19 Civ. 11712.

Dated: April 29, 2024 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE